



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No. 247 of 2026

Kshyama Prasad Duria **Appellant**

Mr. Dhananjaya Mund, Advocate

-versus-

State of Odisha (Vigilance) **Respondent**

*Mr. Sanjay Kumar Das,
Standing Counsel (Vigilance)*

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
20.03.2026

Order No.

03.

(Through hybrid mode)

I.A. No.651 of 2026

1. Mr. D. Mund, learned counsel for the appellant submits that this appeal, challenging the judgment dated 17th February, 2026 passed by the learned Additional Sessions Judge-Cum-Special Judge (Vigilance), Bhawanipatna, District-Kalahandi in G.R. (Vigilance) Case No.18 of 2021 (T.R. No.11 of 2022), has been admitted on 12.03.2026 and in I.A. No.652 of 2026 he has been directed to be released on bail on his appearance before the learned trial Court within a period of four weeks. He also submits that he has filed an affidavit in this I.A. stating that although the allegation against him is that he has demanded and accepted illegal gratification of Rs.6000/- and there are no allegations of financial defalcation or misappropriation of public fund against him but while convicting him for commission of the offence under Section 7 of the P.C. Act



apart from imposing sentence to undergo S.I. of three years, a fine of Rs.50,000/- has been imposed on him, in default to undergo S.I. for four months. He further submits that the appellant is working as Panchayat Executive Officer and has been diagnosed with recurrent ampullary adenocarcinoma since 2022, for which he is undergoing treatment which involves high expenditure. He, therefore, prays that the realization of the fine amount may be stayed during pendency of the appeal.

2. Mr. S.K. Das, learned Standing Counsel (Vigilance) opposes the said submission relying on the decision of the Supreme Court in the case of *Satyendra Kumar Mehra v. State of Jharkhand*, reported in *AIR 2018 SC 1587* and in the case of *Central Bureau of Investigation v. Ashok Sirpal* passed in Criminal Appeal No.4277 of 2024 and stating that the Supreme Court has decided that while suspending the sentence especially the sentence of fine, the Appellate Court can impose conditions and whether the order of suspension of sentence of fine is to be conditional or unconditional depends upon the facts of each case and the nature of the offence.

3. Hearing is concluded.

4. List this I.A. on 24.03.2026 for delivery of orders.

(Savitri Ratho)
Judge

RKS